

**Jury Committee  
Judicial Conference of Indiana**

May 9, 2003  
Minutes

1. Members present. The following members of the committee were present: Craig Bobay, William Hughes, Earl Penrod, John Pera, Diane Kavadias Schneider, and Ernest Yelton, Chair
2. Staff present. Michelle C. Goodman and Tom Carusillo provided the committee with staff assistance.
3. Guest. Bob Mount from JTAC.
4. Approval of minutes. The committee approved the minutes from the March 7, 2003 meeting.

5. Orientation Sub-Committee Report. Judge Hughes reported to the Committee that interviews were conducted with Image Resources and Innovative and he gave an overview of each interview. Those participating in the interview process included Judge Yelton, Judge Hughes, David Remondini, and Michelle Goodman. Judge Hughes reported that this information was discussed with the rest of the sub-committee. The recommendation following the interviews is to engage in contract negotiations with Innovative for the video project. The Committee accepted the recommendation of the sub-committee. The Committee asked Judge Hughes and Michelle to negotiate the contract with Innovative.

Judge Hughes indicated that the entire Committee would be involved in preparing this video. The tentative goal is to have a product completed by August or September with the option for local judges to personalize the video. One member of the Committee asked whether there would be civil and criminal versions of the video. Judge Hughes indicated that had not been previously discussed because the focus has been on the general education of jurors.

6. Rule 2 Sub-Committee Report. Bob Mount gave a report on the IU Student's final presentation on Jury Pool and Jury Management to JTAC. The final written report prepared by the students was distributed to the Committee.

Bob Mount also reported that JTAC is considering preparing the jury pool to provide to the counties because the BMV and Voter Registration data are available at the state level. He also reported that Justice Sullivan had spoken with Ken Miller, Commissioner of the Dept. of Revenue, and the DOR will be designating someone to work with the Committee on this issue. In addition the DOR indicated that they currently do not maintain a list of taxpayers and some information (i.e., DOB, SSN) would not be available because the data is not collected or federal law prohibits disclosure.

Judge Pera reported that the sub-committee set a goal to provide the jury pool lists to the counties by October 2003 for use in 2004. He indicated that this goal was set when it was believed that the algorithm to remove duplicates would be available. Bob Mount

indicated that the development of the algorithm will be the most expensive part of this project, but there will be costs to maintain the system in the future as well. Judge Pera also indicated that the sub-committee will be limited in its ability to work on some of the more technical aspects of this project, but would still be able to help with other areas of the project (i.e. obtain sources for the project). After further discussion, the Committee agreed by consent to the following: (1) proceed expeditiously to provide a jury pool product by October 1, 2003 to trial courts, and (2) encourage the Supreme Court to identify funding sources and determine which agency is responsible for maintaining the list. The Committee asked Judge Pera to contact Justice Sullivan to assist in answering these questions and discussing the potential involvement of the federal court clerks in this project.

Magistrate Bobay reported that the sub-committee has not had an opportunity to review jury management software due to the focus on jury pool issues. Bob Mount indicated that JTAC may provide this in the future. The Committee asked Mag. Bobay to discuss this prospect with Lilia Judson. The Committee moved the jury management software to the project list and asked the sub-committee to continue to focus on the jury pool.

7. Draft Rule Amendments. Judge Yelton reported that he has sent a letter to the Supreme Court regarding proposed amendments to Rules 7, 8, 9, and 30. Judge Yelton also distributed a copy of the letter he sent to the Supreme Court regarding the use of technology in making instructions available. Judge Yelton also reported to the Committee that he will be meeting with the Supreme Court concerning the proposed rule amendments on May 29, 2003.

The Committee reviewed drafts of amendments to Rule 9 and requested that the drafts be revised to specifically allow jurors to request to be placed back in the jury pool if they would like to serve again if they were not selected as a juror.

Judge Yelton also raised a concern with the Committee regarding the previous recommendation to include grand jury in portions of the jury rules. The concern involved how to define the term of service for grand jury. Michelle provided the Committee with a short memo outlining the statutes that deal with term of service for grand juries. The Committee decided that input from the prosecutors would be needed on this issue. One member stated that the one day one trial for petit jurors is more important than for grand jurors because the prosecutor and grand jurors set their schedule. The Committee recommended that our prior recommendation be amended to include grand jury in Rules 1-8 and Rule 10. The Committee also recommended asking the Supreme Court to review Rule 9 with input from prosecutors on the term of service issue.

8. Form for Juror Questions. The Committee discussed the issue of providing a form for juror questions. Concerns were raised regarding requiring courts to use this type of form. The Committee also discussed including this type of form in a sample juror notebook. The Committee decided to provide the form as a sample and tell judges that this form is not a required form.

9. Questions and Answers for publication. The Committee reviewed the list of questions and proposed answers distributed at the meeting. The Committee tabled questions 1 and 4. The Committee approved answers to questions 5 and 6 as proposed. The Committee revised and approved answers to questions 2, 3, 7, 8, and 9. Michelle was asked to prepare the approve questions and answers for publication.
10. Rule 10 and media issues. Judge Yelton reported to the Committee that Steve Key of the Hoosier Press Association wanted to raise concerns regarding Rule 10 and the impact on the media. The Committee indicated holding this discussion in the fall when more time is available to fully review the issues.
11. Other Business. The Committee asked that confidentiality with auditor payment of juror be place on the project list for future review. Also the Committee tabled the report from the Ohio Jury Management Conference until the next meeting.
12. Next Meeting. The next meeting is scheduled for Friday, July 11, 2003 at 10:00 a.m. at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman